

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

**Hearing date: September 16, 2020
@ 10:00 am**

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In re:

LUCKY STAR-DEER PARK
MEZZ LLC,
Debtor.

Case No: 820-72403-reg

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In re:

FLUSHING LANDMARK REALTY
MEZZ LLC,
Debtor.

Case No: 820-72404-reg

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In re:

VICTORIA TOWERS DEVELOPMENT
MEZZ CORP.,
Debtor.

Case No: 820-72405-reg

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In re:

MYINT KYAW, a/k/a
JEFFREY WU,
Debtor.

Case No: 820-72407-reg

Chapter 11

**JOINDER TO THE OBJECTION OF THE UNITED STATES TRUSTEE
TO THE PROPOSED RETENTION OF
WEINBERG, GROSS & PERGAMENT LLP AS ATTORNEYS FOR THE DEBTORS**

TO: THE HONORABLE ROBERT E. GROSSMAN,
UNITED STATES BANKRUPTCY JUDGE:

Xizhu Bai, W & L Group Construction, Inc. and Sanford Avenue Partner LLC

(the “Creditors”), creditors of the debtor, Myint Kyaw, a/k/a Jeffrey Wu (“Wu”) and parties in interest in the cases of Lucky Star-Deer Park Mezz LLC, Flushing Landmark Realty Mezz LLC and Victoria Towers Development Mezz Corp. (collectively, the “Corporate Debtors”), through their counsel, Kravit Partners LLC, do hereby submit this joinder (the “Joinder”) in support of the objection filed by the United States Trustee (the “US Trustee”) (**Dkt. # 43**) to the proposed applications retaining the Law Office of Weinberg Gross & Pergament LLP (“WG&P”) (the

“Objection”) (**Dkt. # 35**), as counsel in above referenced cases of Wu and the Corporate Debtors.

In support of this Joinder, the Creditors respectfully state as follows:

1. Based on the reasons set forth in the US Trustee’s Objection, the Creditors believe that retention of WG&P as counsel to Wu and the Corporate Debtors should not be approved.
2. To date, Wu and the Corporate Debtors have failed to file complete and accurate Schedules and Statements of Financial Affairs. Upon information and belief, Wu, together with his non-debtor spouse, is the owner and operator of multiple debtor and non-debtor entities. The relationships between and among these entities, which appear to be complex and intertwined,¹ as well as Wu’s compensation from these entities, Wu’s claims against the Corporate Debtors and the Corporate Debtors’ claims against Wu, have not been fully disclosed. Wu’s testimony at the 341 Meeting² was unclear and inconsistent with the information filed with the Court, to date.
3. Absent full disclosure of Wu’s interests and his business relationships in the Corporate Debtors as well as the other business entities, WG&P’s simultaneous representation of the Corporate Debtors and Wu may present an actual conflict of interest as more fully set forth in the Objection.

¹ The Creditors do not have all the facts concerning Wu’s business relationships, claims and cross claims among the debtors and reserve all of their rights to supplement this Joinder.

² Capitalized terms not specifically defined herein have the meaning set forth in the Objection.

WHEREFORE, for the reasons set forth in the Objection and this Joinder, the Creditors request that the (i) Court sustain the US Trustee's Objection; (ii) deny the retention application; and (iii) grant such other and further relief as may be appropriate.

Dated: September 7, 2020
New York, New York

KRAVIT PARTNERS LLC

By: /s/ Margarita Y. Ginzburg

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